

Attorney's Docket No.:10559-382001

Remarks

Reconsideration and allowance of the above referenced application are respectfully requested.

Claims 7, 10 and 11 stand rejected under 35 USC 112, second paragraph, as allegedly being indefinite. In response, the instances of indefiniteness noted in these claims have been corrected herein.

Claims 1-6 stand rejected under 35 USC 102 as allegedly being anticipated by Narasimhan. This contention, however, is respectfully traversed. The rejection refers to column 3 line 38 through column 5 line 49. Admittedly, column 3 lines 38-41 explained that the system can operate using different protocols: SNMP and HTTP. However, these are described as being totally separate protocols. Nowhere is there any teaching or suggestion that information indicative of the network condition is encapsulated in HTTP. Rather, the information about the network condition is apparently sent as SNMP, as conventional, and there is a separate communication via HTTP. Nowhere is there any teaching or suggestion of anything that contradicts this: specifically, the two separate protocols are described column 3 line 38 through 44, and there is no teaching or suggestion that information from the SNMP is encapsulated into the HTTP, as claimed. Therefore, claim 1 should be allowable along with the claims that depend therefrom. Claim 6 should be specifically

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allowable as it defines tags within the HTTP message indicating SNMP information. This is further un-suggested by the prior art.

Claims 7-11 stand rejected under 35 USC 102(e) as being unpatentable over Ditmer. Ditmer teaches a proxy interface, and network computers. However, claim 7 requires "a third program that encapsulates network information indicative of the network connection into HTTP protocol." There is no teaching or suggestion of such encapsulation in Ditmer. Ditmer describes, for example, that the system supports SNMP functionality see generally column 13 lines 29-35; and column 14 lines 20-26. However, nowhere is there any teaching or suggestion that the information from the SNMP, or in the words of claim 7 "network information indicative of the network connection" is encapsulated into HTTP, as claimed. Narasimhan simply describes HTTP (see the bottom of column said and a totally separate protocol for SNMP. There is no teaching or suggestion of the claimed subject matter, required by claim 7, that encapsulates the network information... into HTTP. Therefore, claim 7 should be allowable for similar reasons. Claim 11, which depends from claim 7, should be additionally allowable for reasons discussed above.

Claim 12 and 14-24 are rejected under 35 USC 102 as allegedly being unpatentable over Land. Claim 13 was apparently

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not rejected over any of the prior art in the case. Accordingly, claim 12 has been amended to include the limitations of claim 13 therein and claim 13 is now canceled. Therefore, claim 12 should be allowable since there was no rejection to its contents. In addition, each of the claims 14-18 depends from claim 12 directly and indirectly, and hence should be allowable.

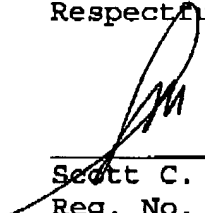
Claims 19-24 are canceled to obviate the rejections thereto.

In view of the above amendments and remarks it is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

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Applicant asks that all claims be allowed. Applicant believes no fee is due, however, please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Scott C. Harris
Reg. No. 32,030

Fish & Richardson P.C.
PTO Customer Number: 20985
12390 El Camino Real
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099
10523064.doc